



OFFICE OF THE  
**SELECT BOARD**  
**TOWN OF MAYNARD**  
MUNICIPAL BUILDING  
195 MAIN STREET  
MAYNARD, MASSACHUSETTS 01754  
Tel: 978-897-1301 Fax: 978-897-8457

## Meeting Minutes

**Tuesday, February 21, 2023**

Hybrid meeting (in-person at 195 Main Street, Maynard, and remotely via Zoom)  
*(This public meeting was recorded.)*

### **Present:**

Justine St. John, Acting Chair, Clerk  
David Gavin, member  
Chris DiSilva, member

Gregory W. Johnson, Town Administrator  
Megan Zammuto, Assistant Town Administrator  
Gregory Wilson, Executive Assistant

### **Absent:**

Jeffrey Swanberg, Chair

### **1. Meeting Opening**

Ms. St. John called the meeting to order at 6:34pm.

**A motion was made by Mr. DiSilva and seconded by Mr. Gavin** to enter into Executive Session to conduct strategy sessions in preparation for negotiations with nonunion personnel: Fire Chief;

To discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares; LIUNA Professionals;

To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body: 61-63 Summer Street; and,

Pursuant to the provisions of G.L. c.30A, §21(a)(3) to discuss strategy with respect to litigation, as an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares: Federal Multidistrict Litigation vs. CVS, Walgreens, Walmart, Teva, and Allergan.

Voted by roll call (3-0): **Motion carried unanimously.**

### **2. Executive Session**

A. Conducted Executive Session

### **3. Reconvene in Open Session**

Ms. St. John called the open session to order at 7:07pm.

Public Comments: None offered.

### **4. Public Hearing 7:10pm Town Charter Review**

A. Receive Comments for Amendments to the Town Charter

Ms. St. John explained that, as required by Massachusetts General Law Chapter 43B, the Maynard Select Board will hold their hearing for amendments to the Town Charter on Tuesday, February 21, 2023 at 7:10 pm. The purpose of the hearing is to receive and review any comments on proposed amendments to the Town Charter. Town Charter Review Committee members Present included Lou Ann Cutaia, Sally Bubier, Natasha Rivera, Chair William Kohlman, and William Cranshaw.

Mr. Cranshaw explained that the Town Charter acts as a constitution for the Town, and it is reviewed every 10 years. During this review, the Committee recommended a number of changes pertaining to updates, language clarification, and new additions.

During discussion, it was clarified that Town Counsel and the Attorney General's Office reviewed the Town Charter with the recommended changes. It was also clarified that one of the changes would allow the Town Administrator to hire a committee-appointed position and then seek approval from the relevant board or committee. Furthermore, it was clarified that each change to the Town Charter must be voted on individually.

The following Public Comments were received:

Kate Wheeler, 31 Harrison Street, posed the idea of two permanent standing committees; a Town Staff and Volunteer Review Committee as well as a permanent Municipal Building Committee with professionals from the community. Mr. Gavin explained that the Select Board does not have much flexibility committee requirements for school buildings due to Massachusetts School Building Authority (MSBA) regulations, but it could work for other Town buildings.

Roger Stillwater, 17 Sunset Road, advocated for amendments that would change the process for citizens to bring warrant articles to Town Meeting. Mr. Kohlman explained that, while the process has not been changed, more clarity has been provided. Ms. Cutaia explained that the proposed amendments incorporated the Town Moderator's guidance and checklist as a framework.

During further discussion, it was clarified that the Town will continue to push this information to the public via the new website, social media, as well as the mail for the physical copy of the warrant. Additional advertising ideas included a town-wide call reminder as well as using WAVM to help advertise. It was also clarified that the Town Charter Review Committee will be discharged after the Town Election if the amendments pass.

The Town Charter Review Committee adjourned at 7:42pm.

**A motion was made by Mr. DiSilva and seconded by Mr. Gavin** to close the public hearing at 7:45pm.

Voted: **Motion carried unanimously.**

## **5. Consent Agenda**

A. 2022 Tree City USA

B. Crowe Park, Maynard Stow Baseball Softball 2023 Season, April 1 - August 13, 2023

Date specifics include: April 1 through August 13, 2023; Mondays-Fridays 6-8pm; Saturdays-Sundays 10am-4pm. Excluding: Saturdays April 29- June 10; Wednesday evenings April-May.

C. Crowe Park, Boys & Girls Club of Assabet Valley, April 29 - June 10, 2023

Date specifics include: April 29 through June 10, 2023; Saturdays 8-10am. Excluding: May 27, 2023.

D. Maynard Education Foundation: Main and Nason Streets, Taste in Motion, May 21, 2022

**A motion was made by Mr. DiSilva and seconded by Mr. Gavin** to approve the Consent Agenda Items A through D, as presented, contingent upon adherence to all federal, state, and local public health and safety guidelines. Authorizing the use of digital signatures if approved.

Voted: **Motion carried unanimously.**

#### **6. Liquor License Update**

A. Chang Lu LLC DBA Change- Magnolia, 42 Nason Street

**A motion was made by Mr. DiSilva and seconded by Mr. Gavin** to approve the amendment to the Liquor License to show the DBA change, for Chang Lu LLC- DBA Magnolia, as presented.

Voted: **Motion carried unanimously.**

#### **7. Housing Authority**

A. Invitation for Appointment Applications

It was clarified that the structure of the housing Authority consists of one member appointed by the Select Board, three members are elected, and one member is appointed by the Governor.

Additionally, new state law indicates that one tenant of one of the three properties overseen by the Housing Authority is appointed by the Select Board. The immediate need is a member to serve between now and July 1, 2023, and it is a joint appointment between the Housing Authority and the Select Board. This short-term appointment can be anyone, not necessarily a tenant, and the vote will take place on March 7, 2023

**A motion was made by Mr. Gavin and seconded by Mr. DiSilva** to authorize public invitation for applications for the Select Board's consideration of appointment to the Housing Authority.

Voted: **Motion carried unanimously.**

#### **8. Department of Public Works**

A. Stormwater Enterprise

Wayne Amico and Sarah Nalven from the town's contracted engineering services firm VHB gave their presentation to the Select Board. The purpose of the proposed Stormwater Enterprise Fund is to assist with infrastructure maintenance and upgrades relating to excess stormwater. This fund will also help ensure compliance under the stormwater ("MS4") permit and help meet state Department of Environmental Protection (DEP) and federal Environmental Protection Agency (EPA) requirements. The proposed fund would generate revenue in the form of fees to property owners, with several methods to ensure an equitable structure.

The Select Board discussed the benefits and drawbacks of the fund. Benefits of the fund include it being a responsible way to maintain the necessary budget for MS4 permit compliance, as well as it preventing future building project issues and costly noncompliance fines. Drawbacks include the fees adding to the cost of living in Town.

#### **9. Marijuana Establishments**

A. UPA, Inc., Delivery Operator and Marijuana Courier License applicant, Seeking Host Community Agreement (HCA) for 25 Nason Street

UPA, Inc. currently has a host agreement at 2-4-6 Powder Mill Road, but the company is looking to operate a delivery service at 25 Nason Street. Dr. Uma Dhanabalan (CEO) and Attorney Nicolas Gomes gave their presentation.

During discussion, The Select Board raised concerns about the location of operations, specifically regarding fencing requirements in the delivery/pickup area, as well as the close proximity to other marijuana establishments in the downtown area.

**A motion was made by Mr. Gavin and seconded by Mr. DiSilva** to deny any application for a Host Community Agreement from UPA , Inc. for Delivery Operator and Marijuana Courier licenses at 25 Nason Street.

Voted: **Motion carried unanimously.**

B. Sugarloaf, Recreational Marijuana Establishment, 25 Nason Street, License Application

**A motion was made by Mr. DiSilva and seconded by Mr. Gavin** to confirm that Sugarloaf Maynard, LLC's application for a Marijuana Retail license (MRN284213), is in compliance with the town of Maynard's municipal bylaws and ordinances, authorizing the Town Administrator to approve the response.

Voted: **Motion carried unanimously.**

C. Cultural District Enhancement Fund (CDEF) Policy and Application for HCA Community Impact Payments (CIP) Receipts

This is from a Town Meeting Article, which passed in October, 2022, to allocate the funds for Select Board distribution. The presented policy and documentation outlines how the Select Board can distribute the funds. During discussion, it was clarified that the Town Meeting vote justifies the allocation of the funds, and they must be used downtown on Town-owned property for various types of improvements/beautification efforts. The Select Board will vote on this item at the next meeting.

## **10. Department and Board/Committee Updates**

A. Office of Municipal Services

Ms. Zammuto provided her department update covering staff, highlighted staffing reductions as well as new responsibilities, missions and charge, and future planning.

## **11. Carry-In Alcohol License Policy**

A. Consider Amendments

The Select Board previously waived the Common Victualler license requirement for an applicant, since the requirement is currently listed in the policy. Other non-restaurants applicants could potentially seek a similar waiver. The Select Board will take time to review the current policy and is hoping for input from the Public Health Division.

## **12. Municipal Naming Policy**

A. Approval

Changes covered include expanding the naming parameters to include names other than veterans, the removal of the hearing process, and the removal of newspaper notices.

**A motion was made by Mr. DiSilva and seconded by Mr. Gavin** to approve the amended Municipal Naming Policy as presented.

Voted: **Motion carried unanimously.**

### **13. Annual Town Meeting**

#### A. Draft Control Articles

May 15, 2023 at 7pm. Town official draft controls submission deadline is February 28, 2023.

**A motion was made by Mr. DiSilva and seconded by Mr. Gavin** to accept and approve the following Draft Controls:

- (A) Town Report Acceptance
  - (B) Obsolete Equipment, Material
  - (C) Amend Zoning By-Law Section 3.1.2, Business Uses for Body Art Establishments
  - (D) Amend Zoning By-Law Section 7.2, Removal of Body Art Establishments
  - (E) Amend Zoning By-Law Section 11, Body Art and Body Art Establishments Definitions
  - (F) Amend Zoning By-Law Section 9.4.5, Mixed Use and Multifamily Reduced Area Requirement; Development Agreement
  - (G) Amend Town Charter Article 1 Incorporation; Short Title; Powers
  - (H) Amend Town Charter Article 2 Legislative Branch
  - (I) Amend Town Charter Article 3 Elected Officials
  - (J) Amend Town Charter Article 4 Town Administrator
  - (K) Amend Town Charter Article 5 Administrative Organization
  - (L) Amend Town Charter Article 6 Finance and Fiscal Procedures
  - (M) Amend Town Charter Article 7 General Provisions and Definitions
  - (N) Amend Town Charter Introduction
  - (O) Amend Town Charter Omnibus Changes
- as shown, and forward to the Finance Committee for review and comments.

Voted: **Motion carried unanimously.**

**A motion was made by Mr. Gavin and seconded by Mr. DiSilva** to accept and refer the draft Zoning By-law amendments to the Planning Board as presented in the Planning Director's memo to the Town Administrator dated February 16, 2023, for public hearings.

Voted: **Motion carried unanimously.**

### **14. FY24 General Fund Budget**

#### A. Budget Development

Ms. St. John highlighted the Town Charter direct Joint Budget Review meeting on February 11, 2023, at which the Town Administrator presented his recommended Fiscal Year 2024 (FY24) general fund budget, the School Committee presented their proposed budget, the Capital Planning Committee (CapCom) presented the capital plan ideas, the Finance Committee (FinCom) provided their feedback, and a robust discussion ensued. However, there was about 10-15 minutes for discussion on issues identified at that meeting, requiring the need to schedule an additional meeting to further that discussion. Ms. St. John clarified that trash and recycling funding is subsidized by trash stickers, and it is currently an annual budget item of about \$600,000. There is a task force for trash and recycling that is exploring other ideas to help fund this budget. An idea was raised regarding an enterprise fund, however, it is not currently a feasible option due to logistics and time constraints. There is a Budget Subcommittee scheduled next week.

### **15. Green Meadow School Building Project**

## A. Status

Ms. St. John provided several updates on the project relating to heating and energy sources. Sources explored include air source heating pumps, geothermal heating, and solar energy. Given the long term logistical and financial constraints, the current plan is to use gas boilers with the option to upgrade to alternative heating methods once the equipment needs to be replaced. It was noted that the Green Meadow School Building Committee (GMSBC) has heard public comments and concerns and are trying to balance the “green” and financial aspects as best as they can. Additionally, it was clarified that the gas boilers would be 96% efficient and other green features are built into the plan.

The following Public Comments were received:

Austin Greenberg, 21 Woodridge Road, appreciated the work put into the building design, but spoke against using fossil fuels in the new Green Meadow School, indicating it would be a bad example for the students. He said this was a teachable moment on decarbonizing, urging that we find the money to make this happen. The Select Board inquired if Mr. Greenberg would still vote “no” on the construction of the school with any fossil fuels, even if it meant starting over, and Mr. Greenberg said he would still vote against it. The Select Board commented that data from 2018-2019 indicates that 40% of electricity used is produced by gas, and Mt. Greenberg indicated that self-generation, possibly evening using wind, should be explored.

Roger Stillwater, 17 Sunset Road, spoke against using any fossil fuels for the new school, indicating that the federal and state governments are moving towards electric and the power grid is getting “greener” every year. Additionally, he said that Maynard could lead the charge away from fossil fuels, he believes that a large number of people will be against a school with fossil fuels, and he thanked the Green Meadow School Building Committee for their hard work.

Leslie Bryant, 27 O’Moore Avenue, commented that the cooling and dehumidification systems in the school has not been addressed and proposed finding an air system that accounts for all seasons. She also agrees with the above comments from Mr. Stillwater. Ms. St. John explained that there is a plan for cooling and air displacement, and she can find more information about the air displacement.

Craig Altemose, 25 Garfield Avenue, commented that as local and state government further push net zero goals, the boiler system will need to be replaced before the proposed replacement timeline, and this will be more expensive at the cost of the taxpayers. Mr. Altemose recommended continuing to investigate grants and other programs that could help with current costs. Additionally, he raised concern about the health impacts of using fossil fuels and stated he would vote against a school with fossil fuels.

Kaela Mento, 49 Sudbury Street, spoke about using in geothermal technology in her own home. She explained that the incentives tied with switching to geothermal technology have come through and made it financially possible.

Wouter Leeuwis, 1 Wicker Street, commented that he does not see gas prices getting better, which would affect operating costs. He also agrees with the previous public comments provided.

Ms. St. John will forward this input to the Chair of the Green Meadow School Building Committee.

## 16. Correspondences

A. Eversource 27 Park Street Analysis

B. S Donnelly MPS Budget

C. Xfinity Annual Notice

D. Town Counsel Advisory: OML and Remote Meetings

E. Select Board Invitation to Shree Govind Re Pocket License Notice

**A motion was made by Mr. DiSilva and seconded by Mr. Gavin** to accept the correspondences A through E as shown.

Voted: **Motion carried unanimously.**

**17. Acceptance of Minutes**

A. Feb. 7, 2023 and Feb. 11, 2023

**A motion was made by Mr. DiSilva and seconded by Mr. Gavin** to accept and approve the meeting minutes of Feb. 7, 2023 and February 11, 2023 as shown.

Voted: **Motion carried unanimously.**

**18. Fire Department (Revised Agenda: Feb 21, 2023 at 12:00pm)**

A. Acting Fire Chief Appointment (Revised Agenda: Feb 21, 2023 at 12:00pm)

**A motion was made by Mr. DiSilva and seconded by Mr. Gavin** to appoint Angela Lawless as Acting Fire Chief for an indefinite term. Authorizing use of digital signatures if approved.

Voted: **Motion carried unanimously.**

**19. Town Administrator Report**

A. Town Administrator Report

Mr. Johnson highlighted that Finance Director Lauri Plourde is taking a new position in Stoneham, and her last day March 10, 2023. He also highlighted the upcoming local election for a number of positions, explaining that the deadline for submitting nomination paperwork is March 14, 2023. Additionally, he encouraged public to view the report online and that tonight is Assistant Town Administrator Megan Zammuto's last Select Board meeting, thanking her for her work.

**20. Chair Report**

Ms. St. John thanked Justin DeMarco, Director of Public Works, and Mr. Johnson for the handrail installation at Memorial Park.

**21. Board Member Reports**

Mr. DiSilva thanked Ms. Zammuto for her work for the Town.

Mr. Gavin thanked Ms. Zammuto for her work for the Town. He also spoke about the Green Meadow School, citing that the outcomes of Town Meeting, and more specifically the Mater Plan, is what guides the Select Board. The Plan does contain climate change net zero goals, and that should help guide decisions relating to the Green Meadow School Project.

**22. Adjournment**

**A motion was made by Mr. DiSilva and seconded by Mr. Gavin to adjourn the meeting at 10:40p.m.**

**Voted: Motion carried unanimously.**

Approved Date: 3/21/23



Justine St. John Clerk

Initials: gw